

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/231,745 01/15/99 D' AGOSTINO

J 1,706,98

LM02/0203

EXAMINER

MALLOY & MALLOY  
2800 SW THIRD AVENUE  
HISTORIC CORAL WAY  
MIAMI FL 33129

TESFAMARIAM, M

ART UNIT	PAPER NUMBER
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2764

*3*

DATE MAILED:

02/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/231,745</b>	Applicant(s) <b>John D' Agostino</b>
	Examiner <b>Mussie Tesfamariam</b>	Group Art Unit <b>2764</b>
		

Responsive to communication(s) filed on Dec 2, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

Claim(s) 1-17 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-10 and 15 is/are rejected.

Claim(s) 11-14, 16, and 17 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of the reasons set forth on the PTO-948 form enclosed. Correction is required.
2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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4. Claims 1-10, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Elgamal, 5671279.

As per claim 1, Elgamal discloses in contacting a custodial authorizing entity having custodial responsibility of account of a customer's credit card account. See the abstract, fig 1, fig 2, col 1, lines 62-67- col 2, lines 1-15, 51-57. He discloses also in supplying the custodial authorizing entity with account identification. See the abstract, col 3, lines 2-8. He also discloses in designating a payment category. See fig 1, col 3, lines 37-42, col 4, lines 5-8. He also discloses in generating signature for transactions. See col 6, lines 26-34, 41-42. He also discloses in generating a transaction ID. See col 7, lines 4-10. He also discloses in verifying purchase parameters within designated payment category. See col 3, lines 37-42, col 4, lines 5-8, col 6, lines 31-40, col 7, lines 8-10, 13. He also discloses in generating a transaction code reflecting at least designated payment category. See col 7, lines 4-13, col 8, lines 5-8. He discloses in obtaining purchase authorization so as to confirm that defined purchase parameters within designated payment category. See col 6, lines 20-21, col 10, lines 60-65. He also discloses in completing the purchase. See the abstract, col 3, lines 30-36.

As per claim 2, Elgamal discloses in purchase authorization from the custodial authorizing entity. See col 6, lines 20-21, col 10, lines 60-65.

As per claim 3, Elgamal discloses in steps of communicating information of offered subject matter to the customer by the merchant, pre-determining the purchase parameters of the purchase,

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and corresponding to purchase parameters. See fig 1, fig 2, fig 3, fig 4, the abstract, col 3, lines 30-36, col 6, lines 20-21, col 12, lines 6, col 30, lines 19, 26-36, 45-49, 56-61.

As per claim 4, Elgamal discloses in merchant communicating the transaction code to the custodial authorizing entity for verification. See col 6, lines 37-40, col 7, lines 4-13, col 8, lines 1-4, col 14, lines 22-24.

As per claim 5, Elgamal discloses in generating a transaction ID which reflects at least the designated one of a plurality of payment categories. See col 7, lines 4-10, 52-65.

As per claim 6, Elgamal discloses in plurality categories to include amount parameters for a cost of purchase. See col 7, lines 34-37, 66, col 40, lines 14-15.

As per claim 7, Elgamal discloses in payment categories to include time parameters during the purchase the purchase can be completed. See the abstract, col 3, lines 30-36, col 30, lines 19, 26-36, 45-49, 56-61.

As per claim 8, Elgamal discloses in plurality of payment categories to include authorization for a transaction at a fixed amount for purchase within predetermined period of time. See col 30, lines 26-36, 45-49, 56-61.

As per claim 9, Elgamal discloses in plurality of payment categories to include authorization for a transaction at a maximum amount for purchase within predetermined period of time. See col 30, lines 26-36, 45-49, 56-61.

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As per claim 10, Elgamal discloses in plurality of payment categories to include at least two of the purchase authorizations for multiple transactions at a total amount on a determined time period.

See col 30, lines 26-36, 45-48, 56-61, col 37, lines 9-14.

As per claim 15, Elgamal discloses in generating a transaction ID which reflects an identification of the merchant. See col 7, lines 4-10, 23-25.

*Allowable Subject Matter*

5. Claims 11-14, 16, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mussie Tesfamariam** whose telephone number is **(703)305-1393**. The examiner can normally be reached on Monday - Friday from 8:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the **examiner's supervisor, Jim Trammell** can be reached at **(703) 305-9768**.

Any response to this office action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**or faxed to:**

**(703)308-9051**, (for formal communications intended for entry)

Or:

**(703)308-5357**, (for informal or draft communications, please label

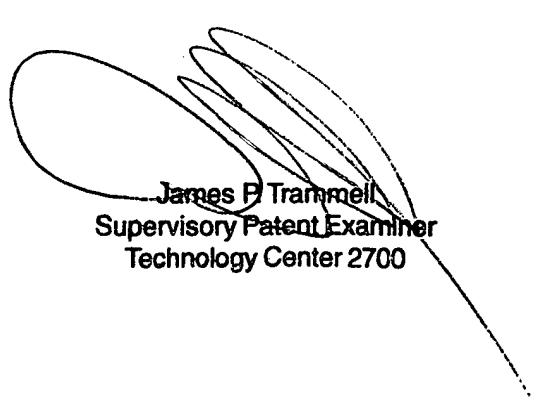
**"PROPOSED" or "DRAFT"**)

**Hand-delivered responses should be brought to Crystal park II, 2121 Crystal Drive**

**Arlington, Virginia, (Receptionist).**

**Mussie Tesfamariam**

January 31, 2000

  
James P. Trammell  
Supervisory Patent Examiner  
Technology Center 2700